

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

In re ACCREDO HEALTH, INC. SECURITIES
LITIGATION

This Document Relates To:

ALL ACTIONS.

Civil Action No. 03-CV-2216 - BBD

CLASS ACTION

Judge Bernice B. Donald

UNOPPOSED MOTION FOR APPROVAL OF CLASS NOTICE PROCEDURES

Whereas, on June 30, 2004, this Court appointed the Louisiana School Employees' Retirement System ("LSERS") and Debra Swiman ("Swiman") co-lead plaintiffs ("Lead Plaintiffs") in this action;

Whereas, on September 15, 2004, Lead Plaintiffs filed the Consolidated Complaint for Violation of the Federal Securities Laws, naming as defendants Accredo Health, Inc. ("Accredo"), David D. Stevens and Joel R. Kimbrough (collectively "Defendants");

Whereas, on March 7, 2006, Magistrate Judge Tu M. Pham issued a Report and Recommendation finding that Lead Plaintiffs' Motion For Class Certification should be granted and further recommending that LSERS and Swiman be appointed class representatives;

Whereas, on April 13, 2006, Lead Plaintiffs filed a related action, *Louisiana School Employees' Retirement System and Debra Swiman, et al., v. Ernst & Young LLP*, Civ. No. 06-2214 (JDB) ("*LSERS v. E&Y*");

Whereas, on April 19, 2006, this Court entered an Order adopting the Report and Recommendation in its entirety, certifying the Class and appointing LSERS and Swiman as class representatives;

Whereas, Lead Plaintiffs met and conferred with counsel for E&Y and agreed that following the issuance of a decision on E&Y's motion to dismiss the complaint, they would promptly discuss whether the Court's April 19, 2006, Order on class certification was applicable to E&Y or whether additional motion practice on class certification would be necessary;

Whereas, in the interest of judicial economy and in order to avoid issuing multiple class notices, Lead Plaintiffs filed an unopposed motion seeking an Order approving a schedule for publication of Class Notice upon the earlier of (1) 45 days after an order resolving the class

certification issue in *LSERS v. E&Y*; or (2) the completion of summary judgment briefing in this action;

Whereas, on June 7, 2006, the Court ordered that Lead Plaintiffs shall give notice to the Class consistent with Fed. R. Civ. P. 23(c) within 45 days of an order resolving class certification as to E&Y, provided that such notice is given before the completion of summary judgment briefing in this action;

Whereas, pursuant to the Court's March 11, 2008 Order Granting Joint Motion To Set The Briefing For Anticipated Motions For Summary Judgment, summary judgment briefing in this action is currently scheduled to be completed on July 25, 2008;

Whereas, the parties have met and conferred and Defendants do not oppose the issuance of the Notice and Summary Notice which are attached to the [Proposed] Order Approving Class Notice Procedures ("Proposed Order") as Exhibits A and B, respectively;

Whereas, Defendants do not oppose the Class notice procedures and issuance of the Notice and Summary Notice on the terms set forth therein;

Whereas, Defendants' agreement not to oppose the Class notice procedures shall not be deemed as an agreement to the description of the substance of the action in the Notice or Summary Notice, which Defendants neither agree with nor adopt, and preserve all objections and defenses related to the purported facts and claims made therein;

Whereas, as part of Defendants' agreement not to oppose the Class notice procedures, Defendants preserve all asserted objections to the Class, as well as any objections Defendants might later assert pursuant to Rule 23;

NOW, THEREFORE, LEAD PLAINTIFFS MOVE THE COURT AS FOLLOWS:

Lead Plaintiffs submit for Court approval the [Proposed] Order Approving Class Notice Procedures.

Dated: June 2, 2008

BERNSTEIN LITOWITZ BERGER
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/s/ Timothy A. DeLange

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